

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KASKASKIA RIVER/MARINA CAMPGROUNDS, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-CV-0166-MJR
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

On March 7, 2007, Kaskaskia River/Marina Campgrounds, Inc. (Kaskaskia) filed a one-count complaint for property damage against various federal and state entities (Doc. 2). On March 20, 2008, the Court granted in part and denied in part various Defendants' motions to dismiss (Doc. 22). Therein, the Court noted that Plaintiff Kaskaskia had indicated an interest in pursuing additional claims against various state Defendants under 42 U.S.C. § 1983. Though the Court could not see any manner in which such claims could be pled to circumvent Eleventh Amendment sovereign immunity, the Court permitted Kaskaskia to file a formal motion to add claims under § 1983. Any such motion was to be filed by April 4, 2008. However, Kaskaskia elected not to do so.

Additionally, the Court ordered that Plaintiff identify John Doe and John Doe II and file an amended complaint by April 21, 2008. The Court specifically noted that failure to do so would result in dismissal of the John Doe Defendants. Thus, when Kaskaskia failed to file an amended complaint by that date, the Court dismissed John Doe and John Doe II (Doc. 23).

As no amended complaint was filed, the Court ordered Kaskaskia to do so by May 2, 2008 (Doc. 23). Yet again, Kaskaskia failed to do so. Consequently, the Court gave Kaskaskia one final opportunity to comply with its order and directly ordered Kaskaskia to file an amended complaint by May 16, 2008 (Doc. 24). The Court warned that failure to do so would result in dismissal of the action.

On May 16, 2008, Kaskaskia did file its amended complaint as ordered (Doc. 25). However, the amended complaint inexplicably adds a claim under 42 U.S.C. § 1983. Kaskaskia was never given leave to amend its complaint to add new claims. Rather, the Court ordered Kaskaskia to file an amended complaint only to correspond with the Orders that had dismissed numerous Defendants (Docs. 22 & 23).

As Kaskaskia was not given leave to add additional counts, the Court hereby **DISMISSES** Count I of Kaskaskia's amended complaint (brought under § 1983) (Doc. 25) **without prejudice**. This leaves Kaskaskia's claim against the United States for property damage under the Federal Tort Claims Act as the only pending claim in this action.

IT IS SO ORDERED.

DATED this 23d day of May 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge